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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,087	06/10/2002	Joseph Wayne Freeman	RPS920020025	7103
47052	7590	01/06/2005	EXAMINER	
SAWYER LAW GROUP LLP			AMIN, NIRAV S	
PO BOX 51418				
PALO ALTO, CA 94303			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/064,087	FREEMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nirav S Amin	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 June 2002.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 June 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/18/2002.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

Claims 1-25 are pending in the application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-11, 13-18, 20-23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Milne et al (USPN: 6,711,660) herein after referred to as Milne.

As per claims 1 and 7, Milne discloses detecting a boot condition during the pre-boot test [Column 5, lines 18-22, lines 26-29, lines 48-58]; and altering, in response to the boot condition, an operating system access configuration of the hardfile [Column 5, lines 54-58].

As per claims 13-16 Milne discloses a hardfile (14) for non-volatile storage of the operating system on a first part (58) of the hardfile and a plurality of user data on a second part (52) of the hardfile;

a hardfile controller, coupled to the hardfile (14) and responsive to a special boot condition detected by the pre-boot procedure, for dynamically reconfiguring operating system access to the hardfile to permit access to both the first part and the second part in a first mode and to permit access to only the first part in a second mode [Column 5, lines 18-22, lines 26-29, lines 48-58].

As per claims 17 and 18, Milne discloses a hardfile (14) for nonvolatile storage of a operating system (20) and user data; means, coupled to the computer system (10), for detecting a special boot condition during the pre-boot test [Column 5, lines 48-58]; and means, coupled to the hardfile and to the detecting means, for altering, in response to the special boot condition, an operating system access configuration of the hardfile [Column 5, lines 48-58].

As per claims 19 and 23, Milne discloses computer readable program code means for causing the computer system to detect a boot condition during the pre-boot test [Column 5, lines 48-54]; and computer readable program code means for causing the computer system to alter, in response to the boot condition, an operating system access configuration parameter of the hardfile [Column 5, lines 54-58].

As per claims 3, 9, 21 and 25, Milne discloses the hardfile is a hard disk (14).

As per claims 4 and 10, Milne discloses

the operating system (20) is stored on a first part (58) of the hardfile and user data is stored on a second part (52) of the hardfile, and the altering step sets the hardfile access to exclude the second part of the hardfile from access by the operating system [Column 5, lines 54-58, the hidden partition is not accessible to the operating system].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 12, 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milne.

As per claims 6, 12, 19 and 24, Milne discloses the boot condition is a predetermined key sequence but does not expressly disclose the boot condition is a hardware tamper detect. It would be obvious to a person of ordinary skill in the art to use a hardware tamper detect as the boot condition.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav S Amin whose

telephone number is (571) 272-3821. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NA



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